

APPEAL NO. 172467
FILED NOVEMBER 29, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 30, 2017, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury does not extend to a left knee strain, a left knee meniscus tear, a left foot avulsion fracture of the anterior third medial malleolus, left foot partial thickness tear of the posterior tibial tendon, disc herniations at L4-5 through L5-S1 with nerve root compression, lumbar radiculopathy, or a disc herniation at C5-6; (2) the respondent (claimant) reached maximum medical improvement (MMI) on December 10, 2015; and (3) the claimant's impairment rating (IR) is 10%.

The appellant (carrier) appeals the ALJ's finding that the claimant sustained a compensable injury. The carrier argued that there is a pending lawsuit in district court and that the carrier continues to deny that the claimant sustained a compensable injury. The appeal file does not contain a response from the claimant. The ALJ's determinations that: (1) the compensable injury does not extend to a left knee strain, a left knee meniscus tear, a left foot avulsion fracture of the anterior third medial malleolus, left foot partial thickness tear of the posterior tibial tendon, disc herniations at L4-5 through L5-S1 with nerve root compression, lumbar radiculopathy, or a disc herniation at C5-6; (2) the claimant reached MMI on December 10, 2015; and (3) the claimant's IR is 10% were not appealed and became final pursuant to Section 410.169.

DECISION

Affirmed as reformed.

The ALJ noted in her discussion of the evidence that the carrier could not stipulate that it had accepted a compensable injury because that issue is currently pending in a district court. In Finding of Fact No. 1.B. the ALJ stated that the carrier agreed to the following: On (date of injury), the claimant was the employee of (employer) and sustained a compensable injury. A review of the record reflects that the carrier stated it did not agree that the claimant had sustained a compensable injury and requested that the ALJ make a specific finding of fact that the claimant sustained a compensable injury. In evidence is a decision and order from a prior CCH held on August 25, 2016, in which it was determined that the claimant sustained a compensable injury on (date of injury). There is sufficient evidence to support the ALJ's Finding of Fact No. 3 that the claimant sustained a compensable injury on (date of injury). However, a review of the record reflects that the carrier stated it did not agree that the

claimant sustained a compensable injury. Accordingly, we reform Finding of Fact No. 1.B. to strike the following language: “and sustained a compensable injury.”

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge